



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/669,824 )  
In re application of: JIANG, Cai-Zhong *et al.* )  
Filed: September 23, 2003 )  
Art Unit: 1638 )  
Examiner: KRUSE, David H. )  
Docket No. 514442001620 )  
Customer No. 47334 )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This response to the pending restriction requirement and to the present Office communication mailed 1 February 2007 is being mailed before March 1, 2007, and is thus timely filed.

Applicants hereby elect Invention VII, drawn to an isolated nucleotide and/or a transgenic plant comprising an isolated polynucleotide of SEQ ID NO: 13 (G3456 polynucleotide), encoding polypeptide SEQ ID NO: 14 (G3456 polypeptide), classified in class 800, subclass 290, for example.

Entry of this amendment is respectfully requested. After entry of the presently amended claims, the products of the claims will share a common structural feature (SEQ ID NO: 13 and/or encoded polypeptide SEQ ID NO: 14). Applicants note that other disclosed and originally claimed sequences, in particular *Arabidopsis* SEQ ID NOs: 2 and 6, rice sequences 10 and 12 and soy sequences 16 and 18 are encompassed by the scope of the claimed invention and function similarly to SEQ ID NO: 14 by regulating transcription and conferring greater biomass to diverse plant species that overexpress them. Therefore, Applicants believe that all of these sequences represent a structural and specifically functional genus, and ask that the Examiner consider rejoinder of the other sequences that fall within such a specific functional and structural genus.

Applicants also submit herewith a substitute sequence listing in computer readable form and a statement under 37 CFR 1.821(f).

Please amend the above-identified application as indicated below.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Amendments to the Drawings begin on page 8 of this paper and include ten (10) attached replacement sheets and ten (10) annotated sheets showing changes.

Remarks begin on page 9 of this paper.